

REMARKS

The Examiner's action and the references cited therein have been carefully considered and the application has been amended accordingly. Claim 1 has been amended to recite that the storage package is intended for at least three plastic trays, as is shown in Figures 10 and 11. In addition, paragraph B of claim 1 has been amended to recite that the first and second plastic latching trays are adapted to be latched to maintain the package in the closed configuration. Further, Paragraph D of claim 1 has been amended to recite that each of the additional (i.e., beyond two) trays receives and maintains a recording media thereon, is positioned in the interior of the package when the package is in the folded configuration, and is inaccessible without unlatching the first and second trays. In addition, new claims 8-23 have been added to recite additional embodiments of the invention. Specifically, new claims 9-20 are based upon claims 1-15 pending in applicant's continuation application Serial No. 11/075,166, filed March 8, 2005, for which Examiner Mohandesi is also the Examiner and claims 21-23 are based upon the issued claims in U.S. Patent No. 6,886,687 (of which this application is a continuation-in-part).

Original claims 1-7 stand rejected under 35 USC 103(a) as unpatentable over Blanco (5,839,575) in view of Inaba et al (4,327,831), the Examiner stating, in effect, that Blanco teaches the claimed tray structure and that Inaba et al discloses a storage package for multiple recording media where the number of trays and panels can be increased to accommodate multiple recording media. Accordingly, the Examiner concludes, it would have been obvious to one of ordinary skill in the art to provide additional recording holding trays to the storage package of Blanco attached to panel faces which are in the interior of the storage package. This ground of rejection is respectfully traversed for the reasons set forth hereinafter.

Referring first to the Blanco reference, it is pointed out, based on the Examiner's latest office action in continuation application Serial No. 11/075,166 that, subject to the filing of a terminal disclaimer, the Examiner considers the storage package which is the subject matter of instant claims 13-20 (claims 6-15 of Serial No. 11/075,166) allowable over Blanco. The subject matter of instant claims 21-23 is also considered allowable over Blanco, as evidenced by the Examiner's issuance of U.S. Patent No. 6,886,687. As for claims 9-12, which correspond essentially to claims 1-5 of Serial No. 11/075,166, applicant reiterates the arguments which it presented in response to the latest office action in the continuation application.

Specifically, turning first to the present invention as set forth in independent claim 9, it will be appreciated that this claim recites a book-like paperboard component having at least two opposed panels on which substantially identical plastic recording medium holding trays are mounted. The trays comprise planar surfaces having an area for receiving a recording medium therein and including a raised spacing rim, in the nature of upstanding wall portions, positioned proximate the marginal edges of the planar surface for separating a marginal peripheral area from interior areas of the surface. The trays differ primarily in that, on one of the trays (hereinafter "second tray"), the wall portions are positioned a greater distance inside the marginal edges of the planar surface than on the other of the trays (hereinafter "first tray"). This permits, when the trays are brought together into face-to-face proximity, the wall portions of the second tray to nest within the wall portions of the first tray with the outside of the wall portions of the second tray immediately adjacent the inside of the wall portions of the first tray. In addition, the tops of the wall portions of the first tray engage or rest upon the marginal edges of the planar surface of the second tray, i.e., the recording medium receiving surface, in order that the separation between the planar surfaces of the first and second trays, and of any recording media retained thereon, may be determined by the height of the first tray wall portions. Means are provided on the wall portions of the first and second trays to facilitate the readily releasable engaging and latching of the trays when the package is in the closed position.

It will be appreciated that the entire design of the storage package of claims 9-12 has been created to produce simple, inexpensive to manufacture plastic trays for mounting in a hybrid paperboard/plastic package in order to safely and securely retain circular disc recording media on the trays out of contact with each other. It is respectfully submitted that this is neither the intent nor the function of the package configuration described in the cited Blanco patent.

Blanco is directed to a book-like receptacle having plastic trays on opposed flaps of the book. Each of the trays is specifically designed and intended to receive a particular type of flat article. For example, first holding tray 18 is intended to receive booklets 80 and to retain them on planar floor 27 via ribs 32 A,B,C,D within quadrilateral cavity 26. On the other hand, second holding tray 20 is intended for receiving compact discs 82 on the planar floor 44 of and within a lower module including a lower recessed circular cavity 22 and to receive floppy discs 84 on the floor 66 of and within an upper module including an upper, partially square cavity 24 in which the floppy discs 84 are held by vertical projections

68A,B,C. It is, therefore, apparent, that Blanco's trays, rather than being substantially identical, are intentionally different and rather than both being intended to receive circular discs, they are each intended to receive different flat items. Moreover, it is also apparent that Blanco's trays are certainly not simple and easy to manufacture, particularly second holding tray 20 which is configured as two modules with separate cavities and separate retaining means.

Blanco's tray 18 has an upstanding quadrilateral peripheral wall 28. However, Blanco's wall 28 is not positioned on planar floor 27 to separate marginal areas of the floor from interior areas of the floor, as is required by subparagraph B(ii) of claim 1. Moreover, in Blanco's tray 20, the planar surface on which the discs rest is floor 44. However, lower quadrilateral peripheral wall 54 does not define a spacing rim for separating marginal areas of floor 44 from interior areas of the floors, as is required by subparagraph C(ii) of claim 9. Rather, lower peripheral wall 54, defining the lower module, is joined by smaller dimensioned upper peripheral wall 58, defining the upper module, for defining therebetween an upwardly facing, outer peripheral shoulder or ledge surface 52. According to Blanco (column 4, lines 58-63), when receptacle 10 is closed, the top surfaces 40 of wall 28 of tray 18 contact and rest upon the outer, peripheral ledge surface 52. Thus, **unlike applicant's claimed construction**, when Blanco's trays 18 and 20 are in the closed position with smaller dimensional upstanding wall portions 58 of tray 20 nested within the cavity 26 of first tray 18, the tops 40 of the wall portions 28 of tray 18 do not engage the marginal edges of the floor 44 of tray 20. Rather, they engage the ledge surface 52. Therefore, the tops 40 of wall portions 28 of tray 18 do not engage the planar surface on which the disc rests, as is required by subparagraph C(iii) of claim 9.

In fact, Blanco teaches a receptacle for flat items which has some appealingly apparent similarities, but relatively few actual configurational similarities, to applicants' development as presently claimed in independent claim 9. In view of the numerous configurational differences and the advantages inherent in applicants' simplified, easy to manufacture design, as contrasted with the cumbersome, difficult to manufacture and expensive design of Blanco, it is respectfully urged that the storage package of independent claim 9 would not have been obvious, from a knowledge of Blanco, to one of ordinary skill in the art at the time the invention was made.

With respect to Inaba et al, that reference teaches a pair of opposed trays mounted on a bendable transparent film which allows the trays to be brought into face to face relationship.

Two opposed trays of Inaba et al are required to receive and store **one** recording media. See, for example, Inaba et al at column 3, lines 37-44 and column 5, lines 41-44. Thus, when Inaba et al in Figures 9a-9c teach the use of multiple trays, namely four, that configuration is intended to accommodate only two recording media. Thus, Inaba et al does not disclose a configuration wherein at least three recording media are received and stored on at least three trays, as is presently claimed. Moreover, as can be seen from Figures 9a-9c of Inaba et al, it teaches the use of a separate transparent film for each set of two trays and discloses various ways that two transparent films can be arranged in a side-by-side fashion to accommodate two recording media in a book-like manner. However, nothing taught in Inaba et al renders obvious applicant's unique arrangement. For example, each of claims 1-23 presented herein sets forth the use of a paper board component defining a plurality of panels arranged end to end which can be folded upon one another, such that, in the folded configuration, the package accommodates at least three trays and three recording media. Inaba et al does not teach either a paper board or plastic component defining a plurality of panels arranged end to end which can accommodate at least three trays and three recording media. In addition, applicant's storage package, according to paragraph B of each of the independent claims, includes a first plastic tray attached to the inside face of the last panel to be folded and a second plastic tray attached to the panel face opposite the inside face in the folded configuration, the first and second plastic trays being adapted to be latched to maintain said package in the closed configuration such that, according to paragraph D of each of the independent claims, additional plastic recording medium holding trays are attached to panel faces which are in the interior of the folded storage package and which are inaccessible without unlatching said first and second trays. In other words, when applicant's first and second trays are latched, they maintain the package in the folded configuration and additional trays are inside the folds and cannot be accessed without unlatching the first and second trays and unfolding the paperboard component of the package. Inaba et al neither teaches nor suggests any structure such as this. Rather, as can be seen from Figures 9a-9c of Inaba et al, the latching of any two trays together does not foreclose access to any other trays.

Accordingly, not only does Blanco fail to teach or suggest the claimed tray structure and arrangement, but Inaba et al also fails to teach the use of multiple trays for storing multiple recording media. Indeed, Inaba et al is at cross purposes with the claimed invention with respect to Inaba et al's need to use two trays per recording media and its failure to provide a package for storing at least three recording media in a safe and secure manner such

that the recording media are inaccessible without unlatching the first and second trays.
Therefore, no combination of Blanco and Inaba et al can render obvious the subject matter of claims 1-23 and the rejection under 35 USC 103(a) over Blanco in view of Inaba et al should be reconsidered and withdrawn.

For the foregoing reasons, claims 1-23 are allowable over the art of record and an early Notice of Allowance directed thereto is courteously solicited.

Respectfully submitted,

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